

REMARKS

In the pending Action, the Examiner rejected claims 1-16 and 19-32 (all claims now pending), under 35 U.S.C. § 251 and 37 C.F.R. § 1.175, as being based upon a defective reissue declaration. Specifically, the Examiner objected to the declaration as filed for an alleged failure to identify at least one error which is relied upon to support the reissue application. Attached hereto is a new reissue declaration which specifically identifies an error in the original claims herein.

The new declaration points out the error that the applicant failed to claim as much as the applicant was entitled to claim. The declaration specifically identifies as unnecessary the limitation in claim 1 of the patent under reissue that the surface of the heat sink base member and the flattened surface of the conduit are in "overlying abutting relationship". Thus, the new declaration specifically identifies the language of the claims which renders the patent wholly or partially inoperative by virtue of the patentee claiming less than he was entitled to claim in the patent, as required by 35 U.S.C. § 251. Withdrawal of this ground of rejection is therefore respectfully solicited.

The Examiner went on to reject claims 10-16 under 35 U.S.C. § 101 for double patenting, as being allegedly substantially identical to claims 1-6. By the amendment above, the applicant has amended claim 10 to more clearly point out the distinctions between claims 1 and 10.

In the first instance, claim 10 lacks the limitation of claim 1 that forms the basis for the reissue application, namely that the heat generating component is disposed in "overlying abutting relation" with the flattened surface of the fluid conduit. This difference

alone, which has been present since claim 10 was originally filed, is sufficient to demonstrate that claims 1 and 10 are different in scope.

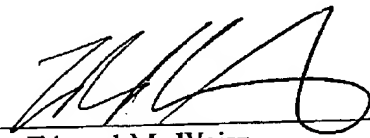
Claim 10 has been amended to remove functional language to which the Examiner objected, and replace that language with structural language describing the structure of the claimed fluid conduit. It is respectfully submitted that this amendment presents no new matter, and places the claims in allowable form, or at least in better condition for review on appeal.

Accordingly, withdrawal of this rejection is respectfully requested. Early and favorable consideration and allowance of these claims is respectfully solicited. In the event that the Examiner maintains the rejection, entry of the amendment for purposes of appeal is requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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Dated: January 15, 2003

AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

In the Claims:

Please amend claim 10 to read as follows:

10. (Amended) A heat sink for cooling a heat generating component in contact therewith, comprising:

a heat sink base member having an open ended channel formed in a first surface thereof, said open ended channel including a curved lower wall and a pair of side walls, each side wall having a first end continuous with said curved lower wall and a second end terminating at said first surface, said side walls being tapered inwardly from said first ends to said second ends, the second ends of said side walls having a span less than a span across a lower portion of said channel; and

a tubular fluid conduit constructed of a thermally conducting material and disposed in said channel, said fluid conduit [having a starting diameter larger than the depth of the channel and being disposed in said channel by being deformed using the channel as a mold, wherein following deformation the portion of said fluid conduit formerly disposed above said channel has] having an exterior surface in opposing relationship with the curved lower wall and the side walls of the channel, and also having a flattened upper surface which is substantially coplanar with said first surface of said heat sink base member whereby the heat generating component may be disposed in direct contact with said first surface of said heat sink base member and with said flattened surface of said conduit for establishing direct thermal contact between said heat generating component and said flattened surface.